

**ST. GEORGE CITY COUNCIL MINUTES  
REGULAR MEETING  
DECEMBER 17, 2015, 5:00 P.M.  
CITY COUNCIL CHAMBERS**

**PRESENT:**

**Mayor Jon Pike  
Councilmember Gil Almquist  
Councilmember Jimmie Hughes  
Councilmember Michele Randall  
Councilmember Joe Bowcutt  
City Manager Gary Esplin  
City Attorney Shawn Guzman  
City Recorder Christina Fernandez**

**EXCUSED:**

**Councilmember Bette Arial**

**OPENING:**

Mayor Pike called the meeting to order and welcomed all in attendance. The Pledge of Allegiance to the Flag was led by Scouts from Troup 534 and the invocation was offered by Reverend Jimi Kestin.

Mayor Pike introduced Frank and Kim Kuhn and Dan and Jill Olsen who have both won the Great Christmas Light Fight on NBC. He then introduced Russ Mitchell with the Kiwanis Club who presented a \$5,000 donation for the All Abilities Park.

**DONATION OF HISTORICAL ITEMS FOR THE SEEGMILLER FARM PROJECT:**

**Consider accepting donations of historical items for the Seegmiller Farm project.**

Leisure Services Director Kent Perkins advised that staff was approached by the Jennings family who would like to donate historical farm items to the Hela Seegmiller Historic Farm. Additionally, the Gardner family would like to donate historical buildings. He showed pictures of the items, many of which are already on display at the farm.

Councilmember Hughes commented that it will be incredible to have the items at the farm.

**MOTION:** A motion was made by Councilmember Almquist to accept the donations for Seegmiller Park from the Jennings' and Gardner's.  
**SECOND:** The motion was seconded by Councilmember Hughes.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**FINANCIAL REPORT:**

**Consider approval of the November, 2015 financial report.**

City Manager Gary Esplin stated that things are continuing to look good. The report shows that property tax is down because the funds are not received until next month. Expenditures are less than expected.

**MOTION:** A motion was made by Councilmember Randall to approve the financial report for November, 2015.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid for the annual crack seal project.**

City Manager Gary Esplin explained this is the annual crack seal project as part of the annual pavement management program. Staff recommends the bid be awarded to Superior Asphalt in the amount of \$517,825.

Purchasing Manager Connie Hood noted that the prices are 7% lower than previous years.

City Manager Gary Esplin stated the packet includes a diagram of the roads that will be sealed.

**MOTION:** A motion was made by Bowcutt to award the bid for the annual crack seal project to Superior Asphalt in the amount of \$517,825.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**AWARD OF BID:**

**Consider award of bid for the Virgin River FEMA Mitigation project.**

City Manager Gary Esplin explained that this project is part of the FEMA grants received for the 2010 floods. This project will go along the Virgin River along the Dixie Center. He stated that this will be the final project for mitigation efforts for that flood and commended Administrative Services Director Deanna Brklacich for her efforts in working with FEMA.

Purchasing Manager Connie Hood recommended awarding the bid to Spring Creek Landscape in the amount of \$156,981.96.

**MOTION:** A motion was made by Councilmember Randall to award the bid to Spring Creek Landscape in the amount of \$156,981.96 for the Virgin River FEMA mitigation project.

**SECOND:** The motion was seconded by Councilmember Hughes.

Councilmember Almquist noted that although this contractor is out of Heber City, the bidder closest did not meet the requirement for a local contractor to match the bid.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**SEWER SLIP-LINING PROJECT:**

**Consider approval of a sewer slip-lining project to rehabilitate approximately 6,000 linear feet of failing sewer line in the Bloomington area.**

City Manager Gary Esplin explained this project is for preventative maintenance to the sewer lines in Bloomington. Staff found that the lines were put in a number of years ago and have the potential to fail. The low bid was approximately \$653,000. As there are not enough funds in the budget, staff recommends doing some of the work and reducing the per foot basis to \$449,176 – that would get the areas staff cannot do. The low bidder is Val Kotter and Sons.

**MOTION:** A motion was made by Almquist to approve the bid in the amount of \$449,176 to Val Kotter and Sons for the replacement lining of sewer lines in the Bloomington area.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/VACATE A PORTION OF POWER EASEMENT/ORDINANCE:**

**Public hearing to consider vacating a portion of an existing power easement located at approximately 1790 West and 970 South. David Nasal, applicant.**

Assistant Public Works Director Wes Jenkins presented the request to vacate a portion of an existing power easement located at approximately 1790 West and 970 South. The easement is not being used; therefore the applicant is requesting it be vacated. He showed a map of the power easement.

City Manager Gary Esplin commented there are sufficient easements in the area to provide power without this one. The request went through JUC as well.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Hughes to vacate the existing power easement located at approximately 1790 West and 970 South.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/VACATATE A UTILITY AND DRAINAGE EASEMENT/ORDINANCE:**

**Public hearing to consider vacating a utility and drainage easement located at approximately 1050 South Riverside Drive. Advanced Health Care Corporation, applicant.**

Assistant Public Works Director Wes Jenkins presented the request to vacate a utility and drainage easement located at approximately 1050 South Riverside Drive. He showed a map of the area and stated that the easement is not in use. The applicant will dedicate a new easement over where the line actually sits.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Randall to vacate of a utility and drainage easement located at approximately 1050 South Riverside Drive.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND THE HIDDEN VALLEY MASTER PLAN/ORDINANCE:**

**Public hearing to consider amending the Hidden Valley PD Master Plan by relocating the proposed church and school sites. Ivory Homes, applicant.**

Planner Ray Snyder presented the request to amend the Hidden Valley PD Master Plan by relocating the proposed church and school sites. He presented a PowerPoint presentation

as included in the agenda packet, covering the following topics: outline of the request; vicinity map; aerial map, general plan map, zoning map; narrative from Ivory Homes; Exhibit 3.2 (Amended); Exhibit 3.3 (Amended); Exhibit 3.5 (Amended); and photos of the area. He then mentioned and read an email, included in the agenda packet, received from Alpha Engineering pertaining to the concerns of the Washington County School District. These items will be taken care of during the planning process. When the School District has a formal agreement in place, they will provide a letter of support.

City Manager Gary Esplin stated there is a lot of history for this request. At the time the zone change was done, there were discussions on the school and church sites. There was a subsequent request to change the location of the facilities; however, the Council at that time denied the request. Since this is a PD zone, the current Council needs to know that it meets the original requirements. He believes that the biggest concern of the School District had then and now is the elevation of the road, the usability of the properties and the cost. If approved, it would have to be subject to a letter of approval from the School District.

Jair Almaraz with Ivory Homes explained that they are perfectly fine addressing the issues outlined in the email. He addressed the concerns including the width of Hidden Valley Road and the cost of relocating existing utilities. He hopes that they can work through the issues.

Councilmember Almquist commented the current school site has issues with topography and elevation change, a church can fit on that site better. Moving the school further to the west will present fewer difficulties.

Councilmember Bowcutt asked if the width of the road matters to the City.

City Manager Gary Esplin stated that staff is okay with the reduction in the width of the road.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Hughes to approve the zone change and to amend the PD-R as discussed subject to a letter of approval from the School District.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

Councilmember Almquist asked that the email be included in the official documents or minutes. At least have it referenced.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change from RE-37.5 to R-1-10 on approximately 3.131 acres located north of 750 North Street between 1300 West Street and Picturesque Drive. Don Cannon, applicant.**

Planner Ray Snyder presented the request for a zone change from RE-37.5 to R-1-10 on approximately 3.131 acres located north of 750 North Street between 1300 West Street and Picturesque Drive. He presented a PowerPoint presentation as included in the agenda packet, covering the following topics: aerial map; record of survey; zoning map; general plan use map; and photos of the area. Planning Commission recommended approval.

Councilmember Randall asked about the palm trees.

A gentleman from the audience stated that they will be removed.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Randall to change the zone from RE-37.5 to R-1-10 on approximately 3.13 acres located north of 750 North Street between 1300 West Street and Picturesque Drive.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND THE LEDGES PD MASTER PLAN/ORDINANCE:**

**Public hearing to consider amending The Ledges PD Master Plan to change from Golf Course/Park Open Space to residential and to increase designated short term rental areas on 11.80 acres located near SR-18, south of Winchester Hills. Development Solutions Group, applicant.**

Assistant Public Works Director John Willis presented the request for an amendment to The Ledges PD Master Plan to change from Golf Course/Park Open Space to residential and to increase designated short term rental areas on 11.80 acres located near SR-18, south of Winchester Hills. He presented a PowerPoint presentation as included in the agenda packet, covering the following topics: request; aerial map; general plan map; zoning map; existing Ledges Master Plan; Proposed Master Plan; Existing and proposed master plans side by side. Although the White Rocks short term rentals were approved for 64 units, they are requesting 40, so there will be a reduction in the short term rental units. The applicant meets the requirements for short term rentals.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Hughes to approve the zone change and amend the PD-R for The Ledges, including the location swaps.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/ZONE CHANGE/ORDINANCE:**

**Public hearing to consider a zone change from Mining & Grazing and A-1 to R-1-8 on approximately 47.957 acres located at approximately 3500 South and 3400 East. Development Solutions Group, applicant.**

Planner Ray Snyder presented the request to change the zone from Mining & Grazing and A-1 to R-1-8 on approximately 47.957 acres located at approximately 3500 South and 3400 East. He presented a PowerPoint presentation as included in the agenda packet, covering the following topics: vicinity map; aerial map; zoning map; general plan land use map; engineer plans; and photos of the area. Planning Commission recommended approval.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Almquist to approve the zone change from Mining & Grazing and A-1 to R-1-8 on approximately 47.957 acres.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

Councilmember Hughes noted that this is part of the master plan.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND GENERAL PLAN/ORDINANCE:**

**Public hearing to consider amending the General Plan land use map to change the land use designation from Resort, Town Center, Medium Density Residential, High Density Residential and Low Density Residential to Commercial on**

**approximately 183.7 acres located at the Ridgetop Complex (former St. George Municipal Airport). City of St. George, applicant.**

Planning & Zoning Manager John Willis presented the request to amend General Plan land use map to change the land use designation from Resort, Town Center, Medium Density Residential, High Density Residential and Low Density Residential to Commercial on approximately 183.7 acres located at the Ridgetop Complex (former St. George Municipal Airport). He presented a PowerPoint presentation as included in the agenda packet, covering the following topics: Land use process; aerial map; zoning map; current general plan map; proposed general plan amendment; proposed concept plan; conceptual master plan concept 1; proposed land use; DXATC location map; proposed architecture for DXATC; and photos of the site.

City Manager Gary Esplin commended staff for designing this concept. When thinking about this site, no one ever thought to re-use the runway, making it an asset. The roads that will be used to service the area will come in from the north. There will be another roadway at the bottom that will come off the east side of the old airport hill. He explained that the concept would be to have the trail that goes along the outside the hill would have a ridgeline elevation; therefore, the buildings will not be imposing on the neighbors. To have a complex like this in the downtown area will be a good thing. The DXATC is creating an auditorium to accommodate the companies the City is trying to attract. Although the general plan calls for commercial, the Council instructed staff to do this by Planned Development so that they can see the design of each building.

Councilmember Almquist noted that letters were sent out to neighbors; he only knows of one letter in opposition. He added that this is a brilliant opportunity.

Mayor Pike mentioned an email received which contained points that will be addressed in the future.

Mayor Pike opened the public hearing. There being no public comment, he closed the public hearing.

**MOTION:** A motion was made by Councilmember Almquist to approve the amendment to the ordinance from Resort, TC, HDR, MDR and LDR to Commercial.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PUBLIC HEARING/AMEND TITLE 10 OF CITY ZONING REGULATIONS/ORDINANCE:**

**Public hearing to consider amending Title 10 of City zoning regulations; sections pertaining to accessory buildings. City of St. George, applicant.**



Planning & Zoning Manager John Willis presented the request to amend Title 10 of City code pertaining to accessory buildings. He presented a PowerPoint presentation, as included in the agenda packet, covering the following: request; proposed amendment – 10-2-1 - Definitions; Chapter 14 – Supplementary and Qualifying Regulations; and Current Code. Staff is proposing to remove the specific language requiring the structure to be measured from the peak; instead it would be measured to the midpoint. He continued with his PowerPoint presentation covering the following topics: 9; 10-14-15: Temporary Buildings; Cargo Containers; 10-14-11: Double Frontage Lots in Residential Zones; 10-14-21: Guesthouses; and Proposal Addresses. He explained how the measurements are approved. The proposed amendments are for temporary structures; if they want a permanent structure, they would be required to go through the correct process. If a developer has an active building permit, staff can approve the temporary structure for a longer period of time without having to come back for an extension. He will look at changing the language to allow that.

City Attorney Shawn Guzman advised that will be okay as long as it is an active construction site with a permit. He mentioned issues that have occurred in the past with residential sites.

Councilmember Hughes inquired about a detached garage with an awning that goes to the property line.

Mr. Willis replied staff would consider that as being part of the accessory structure.

Councilmember Hughes commented that he is concerned with the fact that buildings located in the rear of the main dwelling may be located no less than five feet away from the rear and side property line. He feels there should be the ability for a conditional use permit or to take car ports into consideration. He mentioned a letter the Council received regarding this issue – it may cause some problems.

Mr. Willis stated that it would be easier to determine the setback rather than go through the conditional use permit process.

City Attorney Shawn Guzman explained that the main concern seems to be with drainage. Staff is trying to balance the amount of conditional use permits going before the Council. The ordinance can specify that drainage needs to drain on their own property, away from the neighbors property.

Mayor Pike stated that he would like to give as much flexibility to the property owner as can be. He agreed with Councilmember Hughes, this can create problems.

Councilmember Bowcutt commented that he would like to give staff some responsibility to authorize conditional use permits.

City Manager Gary Esplin explained that the only way to resolve that is to amend the permitted uses. Previous Councils did not want to give staff that authority because neighbors come in and complain for not knowing what was going on.

Councilmember Hughes noted that Mr. Willis has gotten input from container businesses and neighbors as well as Council's concerns.

City Attorney Shawn Guzman asked if the concern is the edge of the roof line from the side.

Councilmember Hughes explained because the size of the some backyards, the home owner can shorten their awning and everything will be fine. These proposed amendments are not giving home owners options.

Mayor Pike opened the public hearing.

Jonathan Zundel, resident, stated that he does not want five feet of dead space in his yard. Drainage issues are already addressed in the ordinance. He does not believe there is a reason to not allow home owners to go to the property line; he would like some flexibility. If the structures are within three feet, he feels the Fire Department should sign off on it.

Paul Blackmore, resident, explained that he believes home owners should be allowed to go right to the property line. The code is quite specific on fire protection if both neighbors want to go to the property line.

Mayor Pike closed the public hearing. He commented that he likes the 0-5 foot setback.

City Attorney Shawn Guzman advised that he will work on language for the active construction permit.

City Manager Gary Esplin explained that every platted subdivision lot has an easement. If home owner builds on the property line, they make the easement useless and will have to go before JUC to amend the plat to do away with the easement. He asked if the adjacent property owner can build on the property line as well, leaving no setbacks between the buildings. The JUC cannot look into the future to determine what may be needed. He noted there are utility lines in some of the back lots that people have built over.

Councilmember Hughes asked Mr. Blackmore in what scenario would a property owner be able to go to the lot line and not hang over the neighbors property.

Mr. Blackmore stated that his neighbor has an awning with its own gutter; it goes right to the lot line. He does not get any of the water from the awning on his property. Pertaining to structural walls, he suggests the code say that they cannot splash water onto the neighbor's property and let the engineers work it out.

**MOTION:** A motion was made by Councilmember Hughes to approve the amendments to Title 10 zoning regulations regarding accessory buildings, 10-2-1 with a modification to 10-14-8 to say zero (0) from the side or rear of the property line for accessory buildings with the clarification for the length of time for the active permit.

City Attorney Shawn Guzman advised the language in 10-14-15(c)(1) should say provided there is a current building permit with active construction.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

Councilmember Hughes clarified that water cannot be discharged onto a neighbor's property and structures cannot hang over.

Councilmember Almquist inquired about grandfathering existing non-conforming structures.

City Attorney Shawn Guzman stated that will depend as staff does not know if there was a building permit issued or if they were allowed to encroach onto the easement or if they went to JUC. He explained that if a request goes to JUC, staff will have a document signed and record it on the property.

Councilmember Almquist clarified that he mentioned grandfathering because he does not want the impression left that those who have violated the code are okay.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Mayor Pike called for a short recess.

**SERVICES AGREEMENT WITH DIXIE STATE UNIVERSITY:**

**Consider approval of a services agreement with Dixie State University for transit services.**

City Manager Gary Esplin this agreement would allow for Dixie State University to utilize SunTran services. Additionally, this will generate revenue for the City and be used in the matching grant funds.

**MOTION:** A motion was made by Councilmember Randall to approve the agreement.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**RESOLUTION AMENDING ANIMAL ADOPTION FEES AT THE ANIMAL SHELTER:**

**Consider approval of a resolution amending animal adoption fees at the Animal Shelter.**

City Manager Gary Esplin staff recommends increasing the fee for dog adoptions \$10, from \$50 to \$60 and put a chip into the dog so they can be tracked.

Mayor Pike mentioned that the shelter occasionally has a sale on animals.

**MOTION:** A motion was made by Councilmember Almquist to approve the resolution to amend the animal adoption fees.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**RESOLUTION REGARDING DONATIONS FOR THE ALL ABILITIES PARK:**

**Consider approval of a resolution regarding donations for the All Abilities Park.**

City Manager Gary Esplin this item is a resolution allowing staff to set up a separate account for donations to the All Abilities Park.

**MOTION:** A motion was made by Councilmember Bowcutt of a resolution staff to set up a separate account for donations to the All Abilities Park.

**SECOND:** The motion was seconded by Councilmember Randall.

Councilmember Almquist commented that there should be a separate column for donations in kind.

City Manager Gary Esplin explained this allows the City to accept donations, whether they are cash or in kind.

**VOTE:** Mayor Pike called for a roll call vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**CLASS C BEER LICENSE AND LOCAL CONSENT:**

**Consider approval of a Class C beer license and local consent for Hank's Riverwalk Grill, LLC located at approximately 4210 Bluegrass Way. Henry F. Moore, applicant.**

City Manager Gary Esplin advised the previous owner had the same license; therefore, this will not be an additional license. The application meets all requirements and staff recommends approval.

**MOTION:** A motion was made by Councilmember Almquist to approve the change in ownership for the alcohol license for Hank's Riverwalk Grill.  
**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**CLASS C BEER LICENSE AND LOCAL CONSENT:**

**Consider approval of a Class C beer license and local consent for Pizzeria Limone located at 231 North Red Cliff's Drive, #102. Jeff Ralph Whiting, applicant.**

City Manager Gary Esplin explained that Pizzeria Limone is located near the old Paradise Bakery. The application meets all requirements.

**MOTION:** A motion was made by Councilmember Randall to approve the Class C beer license and local consent for Pizzeria Limone.  
**SECOND:** The motion was seconded by Councilmember Bowcutt.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**SET PUBLIC HEARINGS:**

Planner Ray Snyder advised at its meetings held on December 8, 2015, the Planning Commission recommended setting public hearings on January 7, 2016 to consider: 1) a zone change request to rezone 3.64 acres from R-1-10 to PD-C for Boulder Creek Commons North and to rezone 13 acres from R-1-10 to PD-C for Boulder Creek Commons South; and 2) a zone change amendment to change Desert Canyons Planned Development Master Plan from PD-8 to R-1-10 on 5.96 acres located at approximately Rim Runner Drive and Church Rocks Drive.

**MOTION:** A motion was made by Councilmember Almquist to set the public hearings for January 7, 2016.  
**SECOND:** The motion was seconded by Councilmember Randall.  
**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**CONDITIONAL USE PERMIT:**

**Consider approval of a conditional use permit for a proposed natural gas regulator station, an 8' security wall around the site, site development mitigation, landscaping and roadway improvements. The property is located at approximately 2300 South 3210 East. Questar Gas, applicant.**

Planner Ray Snyder presented the request for a conditional use permit for a proposed gas regulator station, an 8' security wall around the site, site development mitigation, landscaping and roadway improvements. The property is located at approximately 2300 South 3210 East. He showed a vicinity map, outlined the staff report as listed in the agenda packet and showed an aerial map; zoning map; access roads; revised site plan; initial site plan; and photos of the area. This was discussed for a while at the Planning Commission meeting; they were concerned with the safety of the regulator station. After speaking with Questar and George Washington Academy representatives, the Planning Commission recommended approval with conditions and findings. He outlined the conditions and findings as listed in the agenda packet.

Tim Blackham, representative for Questar Gas, stated the existing road is servicing two homes on that street. They will access the facility approximately twice a month; therefore, paving the road would be quite an expense. Zero landscape is desirable as there is not an existing water line.

Councilmember Bowcutt stated that he is concerned if they have to pave the road without the other home owners along the road having a cost to them.

Mr. Blackham noted that was up to the traffic engineer.

City Manager Gary Esplin commented that as long as it is recorded and neighbors understand that Questar is not going away, at the time future improvements are made to the road, those home owners can cover their share of the frontage.

**MOTION:** A motion was made by Councilmember Almquist to approve the conditional use permit for the proposed gas regulator with the conditions that were expressed, the option of the traffic engineer with the pavement, the 8' security wall and xeriscaping.

**SECOND:** The motion was seconded by Councilmember Randall.

City Attorney Shawn Guzman advised there will be a recorded improvement agreement.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**CONDITIONAL USE PERMIT:**

**Consider approval a conditional use permit for a time extension for an expired conditional use permit to construct a 100' high co-locatable wireless tower and to construct related multiple equipment enclosures. The project is Verizon – UT2 Airplane and is located on Riverside Drive. Technology Associates, applicant.**

Planner Ray Snyder presented the request for approval a conditional use permit for a time extension for an expired conditional use permit to construct a 100' high co-locatable wireless tower and to construct related multiple equipment enclosures. The project is Verizon – UT2 Airplane and is located on Riverside Drive. He presented a PowerPoint presentation, as included in the agenda packet, covering the following topics: a letter from Technology Associates (applicant); vicinity map; close up of the location; plans; 2014 proposed site layout; 2015 proposed site layout; 2014 tower and control building; 2015 tower and control building; 2014 simulation; 2015 simulation; photos of the area; and a photo simulation.

**MOTION:** A motion was made by Councilmember Hughes to extend the conditional use permit for 12 months.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall - aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**HILLSIDE PERMIT:**

Planner Ray Snyder presented the request for a hillside permit to allow the removal of a hill called the Jones Family Hill located at 1923 South River Road; zoning is R-1-10. He presented a PowerPoint presentation covering the following topics: request; applicable ordinance; comments; other projects; aerial map; photos of the area; zoning map; contour; and conceptual plan. The Hillside Board determined the hillside was not significant. They recommended it be removed entirely in a reasonable amount of time. If approved, staff will work with the applicant on the removal. Typically, a large truck can remove 10 cubic yards; therefore, this would take about 20,000 trips. The Hillside Board felt that it would be nice to see the hill gone; but wondered how would they mitigate the dust and noise. He read the comments from the Planning Commission as well as the motion made by the Hillside

Board. Planning Commission recommends approval with conditions as listed in the agenda packet.

Councilmember Bowcutt asked why they would have to tell staff where they are putting the dirt.

Councilmember Almquist stated that they are being asked to remove the hill quickly, and then possibly create a delay for having to find a location for the dirt. He commented there will be traffic concerns on River Road.

City Manager Gary Esplin commented that he believes the removal should be coordinated by staff.

Assistant Public Works Director Wes Jenkins explained that more than likely each site would have to have a grading permit since the sites that will need the dirt are under construction. He commented that there will be a fair amount of blasting.

Dan Tovey, applicant, stated the project as it sits is not nice to look at as most of the hill has been scarred already. He asked about the bonding requirement.

City Manager Gary Esplin advised that it is up to the Council to decide if it should be a cash bond or a normal bond. He explained there needs to be a guarantee the project will be finished once it starts. Each time there has been a project such as this, there was a use for the dirt; however, with this one, there may not be a need for the dirt.

Mr. Tovey noted they met with large excavation companies to coordinate the removal of the dirt. Most of the dirt can be absorbed within a five mile distance; however, they would like the flexibility of having the dirt go to another site if needed. They would like to remove the hill as quickly as possible. These companies have ensured them that this can be done.

Lori Tovey, applicant, explained that they met with rock companies at the site. The professionals should determine the best way to remove the hill as the back may not be the best place to start. She would rather leave it up to them.

Mayor Pike stated that the concern is that they start the project and cannot finish it. Staff and the Council want to make sure it is done right.

Ms. Tovey stated that the excavation companies have stated that they may be able to take the hill down in six months, depending on the removal, but she believes it will take longer. The cost of the bond concerns her; she is worried that the cost will be so high that they cannot do the project.

Mr. Tovey added that the cost to remove the hill is estimated at \$500,000 to \$1.25 million.



City Attorney Shawn Guzman advised without a cost, it would be difficult to determine the bond amount. Additionally, there will need to be an agreement to allow the City to go onto the property finish the project if necessary.

Mr. Tovey added that mining and loading is a separate cost from delivery. They may incur additional costs if they have to store the rock. If any project were to go unfinished, it would create an undesirable situation.

City Manager Gary Esplin noted that bonds are required for any subdivision.

Councilmember Almquist stated that it could take 10,000 to 20,000 trips to remove the hill. His feeling is at some point, if someone has to take down the rest of the hill, it would be an asset. Excavation companies charge the person they are taking the dirt from as well as the person they are giving it to. He thinks the hill will be gone as there is a demand for dirt.

City Manager Gary Esplin commented that the concern he has is who is going to control who gets the dirt. There is no guarantee that one contractor will remove the hill. He feels that the benefit of getting rid of the stuff on the property is a tradeoff for the impacts of River Road. This is going to be a major project with blasting and air quality issues.

Councilmember Bowcutt commented that he cannot believe those same concerns were not there when the hill was taken down on Bluff Street.

**MOTION:** A motion was made by Councilmember Bowcutt to approve the hillside permit with the 10 conditions of the Planning Commission.

Councilmember Almquist voiced his concern with condition #8. He believes that is cumbersome for staff to approve where the dirt goes.

Mr. Jenkins explained that on big projects, staff can track that on grading permits.

Councilmember Almquist added that he would like to see that modified to read "any location of under 1,000 cubic yards or more". Regarding the bonding, if they have the permit, they can approach the companies to take it down giving them the estimate to obtain the bonding.

**SECOND:** The motion was seconded by Councilmember Almquist with modifications to item #8, to say that haul material of 1,000 cubic yards or more must go through Assistant Public Works Director Wes Jenkins and receive a location that the dirt is being placed and with regards to bonding, he would like to have City Attorney Shawn Guzman how to tie that into a future permit.

City Attorney Shawn Guzman explained that if it is tied into a grading permit, he likes the way it is numbered, but would suggest modifying it to say bonding and an agreement that would allow the City, under specified conditions, to enter the property and complete removal according to the plan with a bond to cover that

amount. There will still need to be a written, recordable agreement to have permission to enter the property.

**AMENDED**

**SECOND:** Councilmember Almquist amended his second to include the suggested modifications by City Attorney Shawn Guzman, noting that there needs to be a geologist present while blasting.

City Manager Gary Esplin stated the applicant will have to submit a plan to show how they will meet the requirements for obtaining a blasting permit.

Councilmember Randall explained that her concern is that the Council will not see this item again.

City Manager Gary Esplin advised that blasting permits are approved by the Fire Department.

Councilmember Hughes voiced his concerns with traffic and blasting as it will have a large impact on neighbors – there needs to be a plan.

City Manager Gary Esplin stated that he sees nothing wrong with approving with removing the hill and ask the applicants to return with a plan which will be required when the grading permit is applied for.

**AMENDED**

**MOTION:** Councilmember Bowcutt amended his motion to agree to remove the hill under the hillside ordinance based upon the applicant returning with for a grading permit with the conditions of staff and the Planning Commission and see the plan prior to the issuance of the grading permit.

**SECOND:** The amended motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**FINAL PLAT/LOT LINE ADJUSTMENT:**

Assistant Public Works Director Wes Jenkins presented the final plat and lot line adjustment for Intermountain Health Care (IHC) located at 1380 East Medical Center Drive and the surrounding buildings; zoning is PD-C. He showed the final plat and explained the purpose of the lot line adjustment is to create two parcels.

**MOTION:** A motion was made by Councilmember Bowcutt to approve the final plat and lot line adjustment for IHC.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PRELIMINARY PLAT:**

Assistant Public Works Director Wes Jenkins presented the preliminary plat for South Posse Plaza, a 3-lot commercial subdivision located at 1062 West Sunset Boulevard; zoning is C3. He showed the preliminary plat and explained that the developer will have to do a cross access/maintenance agreement, shared sewer and drainage agreement as well as a shared parking agreement.

**MOTION:** A motion was made by Councilmember Randall to approve the preliminary plat for South Posse Plaza.

**SECOND:** The motion was seconded by Councilmember Almquist.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PRELIMINARY PLAT:**

Assistant Public Works Director Wes Jenkins presented the preliminary plat for Meadows Edge Phase 2, an 8-lot residential subdivision located at 2100 East 3970 South; zoning is RE-20. He showed the preliminary plat and explained that there is an existing sewer line along the rear of the lots that is located within a 25' easement. In speaking with the developer, they are proposing to dedicate the property from the east boundary line of the sewer easement to the City.

**MOTION:** A motion was made by Councilmember Almquist to approve the preliminary plat for Meadows Edge Phase 2.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PRELIMINARY PLAT AMENDMENT:**

Assistant Public Works Director Wes Jenkins presented the preliminary plat amendment for The Cove at Little Valley, a 41-lot residential subdivision located on Horseman Park Drive between 2350 East Street and Little Valley Drive; zoning is primarily R-1-12 with a small portion of RE-12.5. He showed the preliminary plat. Staff is concerned with traffic as two of the lots will front Little Valley Elementary School.

City Manager Gary Esplin asked who will pay the cost put in and maintain the landscape strip. They would have to create an HOA for 2 lots. The City is already maintaining the landscaping along Little Valley Road.

Councilmember Almquist suggested landscaping the lots using xeriscaping.

City Manager Gary Esplin mentioned that he just received a copy of a letter from the School District supporting closing off the two lots and not allowing access onto Little Valley Road.

Mayor Pike left the meeting.

Paul Blackmore, representative, explained that lots 40 and 41 match the two lots in The Village at Little Valley. They received a letter from Superintendent Bergeson requesting they reduce traffic in the area. They gain an extra lot if they do not do this; however, this is much safer for children. He mentioned that they will take care of the landscaping if necessary and they have support from the school.

Mr. Jenkins stated that they discussed circular drives on lots 40 and 41; however, it was decided to have the driveways as such that can allow the vehicle to turn around on the lot and pull out thus watching for children.

**MOTION:** A motion was made by Councilmember Hughes to approve the preliminary plat amendment for The Cove at Little Valley.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pro Tem Almquist called for a vote, as follows:

Councilmember Almquist – did not vote  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**CO-OP AGREEMENT WITH UDOT:**

**Consider approval of a co-op agreement with UDOT for the I-15 Underpass project.**

City Manager Gary Esplin advised this request is an agreement with UDOT for the I-15 underpass allowing them to go out for bid. The caveat is that staff has not seen the final

language; therefore it should be approved subject to review by the Legal Department. The amount of \$3.7 million is the cost for the agreement with UDOT.

Public Works Director Cameron Cutler explained that UDOT bills the City as they are billed by the contractor.

City Manager Gary Esplin stated that the City will have to do internal financing as the funds will not be accessed for a couple of years. UDOT would like to begin the project early next year.

Mr. Cutler mentioned that the total project is about \$26.8 million.

**MOTION:** A motion was made by Councilmember Hughes to approve of the cooperative agreement with UDOT for the I-15 Underpass project subject to final review by the Legal Department.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pro Tem Almquist called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**PROFESSIONAL SERVICES AGREEMENT:**

**Consider approval of a professional services agreement for the Wastewater Collections building expansion.**

City Manager Gary Esplin explained that this agreement is for the design of an 800-1,000 square feet expansion to the Wastewater Collections building. The funds are included in the current budget.

**MOTION:** A motion was made by Councilmember Hughes to approve the professional services agreement for the Wastewater Collections building expansion with Campbell and Associates for \$35,170.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – did not vote  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on December 11, 2014.**

City Attorney Shawn Guzman mentioned that these minutes are just now being approved since there was the possibility of doing a verbatim transcript of the meeting.

**MOTION:** A motion was made by Councilmember Hughes to approve the minutes from December 11, 2014.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on November 12, 2015.**

**MOTION:** A motion was made by Councilmember Randall to approve the minutes from November 12, 2015.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on November 19, 2015.**

**MOTION:** A motion was made by Councilmember Hughes to approve the minutes from November 19, 2015.

**SECOND:** The motion was seconded by Councilmember Bowcutt.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye

Councilmember Hughes – aye

Councilmember Randall - aye

Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**MINUTES:**

**Consider approval of the minutes from the meeting held on December 3, 2015.**

**MOTION:** A motion was made by Councilmember Randall to approve the minutes from December 3, 2015.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**ADJOURN TO REDEVELOPMENT AGENCY MEETING:**

**MOTION:** A motion was made by Councilmember Bowcutt to adjourn to the Redevelopment Agency Meeting.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

The meeting reconvened following the Redevelopment Agency meeting.

**REPORTS FROM MAYOR, COUNCILMEMBERS AND CITY MANAGER:**

No reports were given.

**ADJOURN TO CLOSED SESSION:**

**MOTION:** A motion was made by Councilmember Randall to adjourn to a closed session to discuss property sale.

**SECOND:** The motion was seconded by Councilmember Hughes.

**VOTE:** Mayor Pro Tem Almquist called for a roll call vote, as follows:

Councilmember Almquist – did not vote  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

**ADJOURN:**

**MOTION:** A motion was made by Councilmember Almquist to adjourn.

**SECOND:** The motion was seconded by Councilmember Randall.

**VOTE:** Mayor Pike called for a vote, as follows:

Councilmember Almquist – aye  
Councilmember Hughes – aye  
Councilmember Randall – aye  
Councilmember Bowcutt – aye

The vote was unanimous and the motion carried.

Christina Fernandez, City Recorder